

ORIGINAL

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 10 GLAXOSMITHKLINE and McKESSON
 11 CORPORATION

12 UNITED STATES DISTRICT COURT
 13 NORTHERN DISTRICT OF CALIFORNIA
 14 SAN FRANCISCO DIVISION

15 GEORGE FISHER,

16 Plaintiff,

17 v.

18 SMITHKLINE BEECHAM
 19 CORPORATION dba
 20 GLAXOSMITHKLINE and McKESSON
 21 CORPORATION,

22 Defendants.

Case No.

NOTICE OF PENDENCY OF OTHER
 ACTION OR PROCEEDING
 [CIV. L.R. 3-13]

23 Pursuant to Civil L.R. 3-13, defendants SMITHKLINE BEECHAM
 24 CORPORATION dba GLAXOSMITHKLINE ("GSK") and McKESSON
 25 CORPORATION ("McKesson") submit the following Notice of Pendency of Other
 26 Action or Proceeding:

27 On October 16, 2007, the Judicial Panel on Multidistrict Litigation ("JPML")
 28 created MDL 1871, *In re Avandia Marketing, Sales Practices and Products Liability
 Litigation*, directing that then-pending Avandia®-related cases be transferred and
 coordinated for pretrial proceedings in the United States District Court for the Eastern
 District of Pennsylvania, before the Honorable Cynthia M. Rufe, pursuant to 28 U.S.C.

§1407. To date, nearly 30 cases have been transferred to MDL 1871, and transfers of additional “tag-along” actions are pending. GSK seeks the transfer of this action to MDL 1871. Pursuant to Civil L.R. 3-13, GSK therefore respectfully requests that this Court stay this action, pending a decision on transfer by the JPML, to achieve judicial economies that underlie 28 U.S.C. Section 1407 (Multi-District Litigation Procedures) and to avoid conflicts, conserve judicial resources, and promote an efficient determination of the action.

GSK is simultaneously removing to this Court, the following actions entitled:

1. *Bone, Dorothy et al. v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of San Francisco, Case No. CGC 468363;
2. *Hall, James v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline and McKesson Corporation*, San Francisco Superior Court Case No. CGC 07-468088, and request a stay of this action, on these same grounds.
3. *Fisher, George v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of San Francisco, Case No. CGC 07-468086;
4. *Jefferson, James v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of San Francisco, Case No. CGC 468078;
5. *Thornton, Hector v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of San Francisco, Case No. CGC 468089; and
6. *Upshaw, Ivan v. Smithkline Beecham Corporation d/b/a GlaxoSmithKline, and McKesson Corporation*, Superior Court of California, County of San Francisco, Case No. CGC 468090.

Please take note that, in addition to MDL 1871, the following state court actions also allege marketing, sales practice and/or product liability claims against Smithkline

1 Beecham Corporation d/b/a GlaxoSmithKline, related to the use of the prescription drug
2 Avandia:

3 1. *Boone, Leslie v. GlaxoSmithKline, Smithkline Beecham Corporation,*
4 *Smithkline Beecham Corporation d/b/a GlaxoSmithKline, McKesson Corporation, and*
5 Does 1 -100, Superior Court of California, County of Los Angeles, Case No. BC 379063;

6 2. *Hunter, Raymond v. GlaxSmithKline et al.,* Court of Common Pleas,
7 Philadelphia County, No. 000574;

8 3. *Kozar, Agnes, Kozar, Francis A. (Estate of) v. GlaxoSmithKline, PLC,*
9 Court of Common Pleas, Philadelphia County, No.004897;

10 4. *Lloyd, Linda, Lloyd, Michael (Estate of) v. Smithkline Beecham*
11 *Corporation d/b/a GlaxoSmithKline,* Third Judicial Circuit, Salt Lake County, Utah, Case
12 No. 070913924;

13 5. *Mussman, Gustave; Mussman, Donna v. GlaxoSmithKline, PLC, and*
14 *GlaxoSmithKline USA,* Court of Common Pleas, Philadelphia County, No. 001073;

15 6. *Parks, Josephine v. SmithKline Beecham Corporation, et al.,* Court of
16 Common Pleas, Philadelphia County, No. 001670;

17 7. *Perrenot, Preseton v. SmithKline Beecham Corporation d/b/a*
18 *GlaxoSmithKline,* Court of Common Pleas, Philadelphia County, No. 002454; and

19 8. *Self, Joe v. SmithKline Beecham Corporation d/b/a GlaxoSmithKline,* Court
20 of Common Pleas, Philadelphia County, No. 002457.

21 Dated: November 20, 2007

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